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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—516]

**PART 301—DOMESTIC QUARANTINE NOTICES**  
**ADMINISTRATIVE INSTRUCTIONS MODIFYING THE RESTRICTIONS OF THE JAPANESE BEETLE QUARANTINE BY ADVANCING THE DATE OF TERMINATION OF RESTRICTIONS ON FRUIT AND VEGETABLE SHIPMENTS UNDER § 301.48 OF THE JAPANESE BEETLE QUARANTINE TO SEPTEMBER 8 FOR THE YEAR 1941**

Effective September 8, 1941.

It has been determined that the active period of the Japanese beetle in its relation to fruits and vegetables has already ceased for the present season and that it is therefore safe to permit the unrestricted movement of fruits and vegetables from the regulated areas. Therefore, pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the fourth proviso of § 301.48, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 48 on account of the Japanese beetle], it is ordered that the restrictions on the interstate movement of fruits and vegetables imposed by § 301.48-5 of Notice of Quarantine No. 48, revised effective February 12, 1941,<sup>1</sup> be removed effective on and after September 8, 1941. This order advances the termination of the restrictions as to fruits and vegetables provided for in § 301.48-5 from October 16 to September 8, 1941, and applies to this season only.

Done at Washington, D. C., this 6th of September 1941.

[SEAL]

P. N. ANNAND,  
Chief.

[F. R. Doc. 41-6763; Filed, September 9, 1941;  
11:10 a. m.]

<sup>1</sup> 6 F.R. 909.

[B.E.P.Q. 503 Third revision]

**PART 301—DOMESTIC QUARANTINE NOTICES**  
**WHITE-FRINGED BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED**

#### Introductory Note

Effective September 11, 1941.

Instructions as to various methods of treatment of plants in pots, or in soil balls, and of potting soil, as previously authorized in Circulars B.E.P.Q. 486, 489, and 503, are brought together in the present revision of this circular. In addition, the instructions as to treatment of balled nursery stock by methyl bromide solution as specified in paragraph (ii) of subsection (b) are somewhat modified as to treatments within the regulated areas other than New Orleans and vicinity. All treatments apply to both species of white-fringed beetles, *Pantomorus leucoloma* Boh. and *P. peregrinus* Buch., and are uniformly applicable to all regulated areas except the methyl bromide solution treatment of balled nursery stock, the specifications of which vary for the New Orleans area because of the type of soil in that locality. This circular supersedes all instructions in Circulars B.E.P.Q. 486, and 489, and previous issue of 503.

§ 301.72-5c<sup>1</sup> *Administrative instructions; treatments authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.72-5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle], the following methods of treatment for plants in pots, or with soil balls, and potted soil, are hereby authorized effective September 11, 1941, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(a) *Plants in pots or in soil balls—*(1) *Methyl bromide fumigation at atmospheric pressures.* (i) Fumigation must be done with methyl bromide at a dosage of

<sup>1</sup> Superseding §§ 301.72-5a and b.

## CONTENTS

### RULES, REGULATIONS, ORDERS

<b>TITLE 7—AGRICULTURE:</b>	
Bureau of Entomology and Plant Quarantine:	
Domestic quarantine notices, etc.:	Page
Japanese beetle .....	4653
White-fringed beetle .....	4653
<b>TITLE 10—ARMY: WAR DEPARTMENT:</b>	
Military Reservations and National Cemeteries:	
Contracts for temporary exchange buildings .....	4655
Organized Reserves:	
Officers' Reserve Corps, age and citizenship requirements .....	4655
<b>TITLE 25—INDIANS:</b>	
Office of Indian Affairs:	
Grazing regulations, fees for execution of grazing permits .....	4655
<b>TITLE 30—MINERAL RESOURCES:</b>	
Bituminous Coal Division:	
Minimum price schedules, etc.:	
District No. 9 .....	4655
District No. 16 .....	4656
<b>TITLE 41—PUBLIC CONTRACTS:</b>	
Division of Public Contracts:	
Tag industry, minimum wage determination, amendment .....	4656

### NOTICES

<b>Department of Agriculture:</b>	
Agricultural Marketing Service:	
Perishable Agricultural Commodities Act, 1930, disciplinary proceedings, etc. ....	4657
Rural Electrification Administration:	
Allocation of funds for loans .....	4657
<b>Department of the Interior:</b>	
Bituminous Coal Division:	
Beech Grove Coal Co., relief denied .....	4657
Complaints permitted to be amended:	
Davis & Davis .....	4657
Owl Coal Co. ....	4657
(Continued on next page)	





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#### CONTENTS—Continued

Securities and Exchange Commission:	
Applications filed, etc.:	Page
American Utilities Service Corp., et al.-----	4659
Cambridge Electric Light Co.-----	4658
Applications granted, etc.:	
American Utilities Service Corp., et al.-----	4659
Hamilton Mfg. Co., etc.-----	4660
Kaufman, Charles A., Co., Ltd., hearing postponed.-----	4658
Keyes Fibre Co., hearing.-----	4658
War Department:	
Louisiana, induction of National Guard unit.-----	4656

1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil masses and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(ii) Such fumigation shall apply only to those plants in 3-inch pots or smaller, or in soil balls not greater than 3 inches in diameter when spherical or thicker than 3 inches if not spherical, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(iii) The fumigation shall be done in a tight chamber with gas-tight doors.

(iv) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein, and the air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(v) The use of a fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury must be done with a

dosage of 4 pounds of methyl bromide per 1,000 cubic feet of chamber space, including the space occupied by the commodity, with an exposure of 1½ hours, the vacuum to be maintained throughout the entire period.

(ii) The temperature of the soil balls shall be 75° F. or above, and the diameter of the soil balls shall be not greater than 11 inches if spherical, or thicker than 11 inches if not spherical.

(iii) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(iv) A standard vacuum fumigation chamber which can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary.

(3) *Methyl bromide solution*—(i) *Treatment method.* (Applicable to all regulated areas).

(a) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays which are watertight and approximately 1 foot deep.

(b) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(c) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(d) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(ii) *Type of material, exposure, and temperature.* (a) In Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter, nor greater than 7 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(b) In all regulated areas other than Orleans Parish, including the City of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall

be applied to soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 6 hours. The temperature of the soil balls during the treatment shall not be lower than 62° F.

(b) *Potting soil*—(1) *Carbon disulphide fumigation.* (i) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(ii) The grade of carbon disulphide shall be comparable to U. S. P. grade having a specific gravity of 1.25 at 68° F.

(iii) The container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(iv) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(v) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(vi) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of the authorized inspector of the United States Department of Agriculture.

(2) *Methyl bromide fumigation.* (i) Potting soil must be treated in a container with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(ii) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied.

(iii) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(3) *Heat treatment.* (i) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(ii) The grids shall be constructed of 1-inch pipes, perforated with holes ½ inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(iii) The layer of soil in the sterilizing box shall not be more than 2 feet, 6 inches deep.



(c) *Disclaimer.* There has been opportunity to test these treatments on only relatively few varieties of plants and in authorizing the movement of potted plants, nursery stock, or potting soil fumigated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to either plants or operators.

(d) *Caution—(1) Methyl bromide.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants or potting soil. It is a poison and the operators should use approved gas masks when exposed to the gas in concentrations used in fumigation, or while preparing the solution. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered. After fumigating the potting soil by methyl bromide the cover should be removed and the soil allowed to become aerated.

(2) *Carbon disulphide.* Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

Done at Washington, D. C., this 4th day of September, 1941.

[SEAL]

P. N. ANNAND,  
Chief.

[F. R. Doc. 41-6764; Filed, September 9, 1941;  
11:10 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMENTERIES

#### PART 54—EXCHANGES<sup>1</sup>

##### § 54.11 *Contracts.*

(f) Contracts for the erection of temporary exchange buildings will contain a statement that the proposed construction is a post exchange transaction and that the post exchange alone is responsible for the debt, and not the Government.

(g) When applicable, contracts for the erection of temporary buildings will contain a statement that immediately upon completion of the building, title thereto passes to the post exchange. (R.S. 161; 5 U.S.C. 22) (Par. 33f and g, AR 210-65, July 1, 1941, as added in Cir. 182, W.D., Aug. 28, 1941)

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-6754; Filed, September 9, 1941;  
10:16 a. m.]

<sup>1</sup> § 54.11 (f) and (g) is added.

## CHAPTER VI—ORGANIZED RESERVES

### PART 61—OFFICERS' RESERVE CORPS<sup>1</sup>

#### § 61.1 *Age and citizenship requirements.*

\* \* \* \* \*

(b) \* \* \*

(4) No appointments in Military Intelligence are made in the grade of colonel.

\* \* \* \* \*

(c) \* \* \*

Section	Grade					
	2d Lt.	1st Lt.	Capt.	Maj.	Lt. Col.	Col.
Chaplains.....	*	40	44	49	55	55

(Sec. 37, 39 Stat. 189, 40 Stat. 73, Sec. 3, 48 Stat. 154, 48 Stat. 939; 10 U.S.C. 353) [Par. 13, AR 140-5, Jun. 17, 1941, as amended by Cir. 180, W.D., Aug. 26, 1941, and Cir. 184, W.D., Aug. 29, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-6753; Filed, September 9, 1941;  
10:16 a. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

#### PART 71—GENERAL GRAZING REGULATIONS

Title 25, Chapter I, Subchapter I, Grazing, Part 71, General Grazing Regulations, § 71.23 is amended to read as follows:

§ 71.23 *Fees for execution of grazing permits.* The following fees must be charged to cover the approximate cost to the Government of preparing and issuing permits—(a) *To be paid by the permittee, subpermittee, or assignee for each permit.*

Total rental for full term of permit:	Fees payable
Not to exceed \$100.....	\$1.00
\$101-\$250.....	2.50
\$251-\$500.....	5.00
For each additional \$500 or fraction thereof.....	1.00

In the case of a subpermit or assignment the fee shall be based on the total amount yet to accrue under the instrument from the effective date thereof. When the permit is extended with the mutual consent of the parties concerned the fee shall be computed from the effective date on the same basis as the original instrument.

(b) *To be paid by each permitter for each allotment and for the tribal land under each permit.*

<sup>1</sup> § 61.1 (b) (4) and (c) is amended.

#### Total annual rental involved:

\$26-\$50.....	\$0.50
\$51-\$100.....	1.00
\$101-\$250.....	2.50
\$251-\$500.....	5.00
\$501-\$750.....	7.50
\$751 and over.....	10.00

A minimum fee of \$0.25 on income derived from each permit shall be charged in each case where the individual annual rental for each allotment under each permit is less than \$26, except that in any case where the individual income accruing from each allotment under any permit is less than \$0.25 per annum, such lesser sum shall constitute the total fee due from each individual permitter. (47 Stat. 1417; 25 U.S.C. 413)

[SEAL]

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

Date: August 27, 1941.

[F. R. Doc. 41-6751; Filed, September 9, 1941;  
10:13 a. m.]

## TITLE 30—MINERAL RESOURCES

### CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets No. A-414 and A-415]

#### PART 329—MINIMUM PRICE SCHEDULE, DISTRICT No. 9

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE DELETION OF THE NAME "BLUE GRASS COAL PRODUCTS CORPORATION" FROM THE SCHEDULE OF EFFECTIVE MINIMUM PRICES; AND PETITION OF DISTRICT BOARD 9 FOR REVISION OF THE MINIMUM PRICES FOR MINE INDEX NOS. 28, 40, 45, 60, 67, 76, 79, 80, AND 81 INTO ALL MARKET AREAS

Petitions having been filed with the Bituminous Coal Division by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting certain revisions in the Schedules of Effective Minimum Prices for District No. 9 for All Shipments Except Truck and for Truck Shipments;

Petitions for leave to intervene having been filed by the Highland Creek Coal Company, the Pine Hill Mining Company, and the Wright Coal Mining Company, code member producers in District 9, and by District Boards 10 and 11;

Temporary relief pending final disposition of the petitions having been granted by Order of the Director;

The petitions having been consolidated, and a hearing in this matter having been held pursuant to Orders of the Director, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;



The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck be and it hereby is amended as follows:

1. The lines in § 329.5 (*Alphabetical list of code members*) in said schedule in which the name "Blue Grass Coal Products Corporation" appears are deleted;
2. The reference in § 329.5 (*Alphabetical list of code members*) in said schedule to "#1 Waco" (Mine Index No. 88) is changed to "Waco;"
3. All references to Mine Index No. 81 in said schedule are deleted;
4. Price Instructions 9 and 10 in said schedule are deleted;
5. The lines applying to Mine Index Nos. 28, 40, 45, 60, 67, 76, 79, 80, and 81, and the footnote thereto, appearing in § 329.6 (*General prices*) and § 329.7 (*Special prices—(b) Prices for river (free alongside deliveries) and ex-river shipments*) in said schedule are deleted;
6. The following Price Exception is inserted in said schedule, § 329.1 (*Price instructions and exceptions*):

For sales to retail dealers in all market areas, the minimum prices shown in this schedule for Mine Index Nos. 28, 40, 45, 60, 76, 79, 80, 88, and 320 may be reduced by 15 cents per ton in Size Groups 1, 2, and 3, and by 10 cents per ton in Size Groups 4, 5, and 6.

It is further ordered, That the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments be and it hereby is amended as follows:

1. The line in § 329.24 (*General prices in cents per net ton for shipment into any market area*) in said schedule in which the name "Blue Grass Coal Products Corporation" appears is deleted;
2. The reference in § 329.24 (*General prices in cents per net ton for shipment into any market area*) in said schedule to "#1 Waco" (Mine Index No. 88) is changed to "Waco."

And it is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent above set forth and are in all other respects denied.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-6760; Filed, September 9, 1941;  
10:21 a. m.]

[Docket No. A-319]

#### PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER OF THE DIRECTOR GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 16 FOR THE MODIFICA-

#### TION OF SIZE GROUP 12 IN THE PRICE SCHEDULE FOR DISTRICT 16

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by District Board No. 16, seeking a change in the description of Size Group 12 in the Schedule of Effective Minimum Prices for District 16 for All Shipments, from  $1\frac{1}{8}'' \times 0$  to  $\frac{3}{4}'' \times 0$ ;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law in this matter, and having rendered an Opinion, which are filed herewith;

It is ordered, That § 336.4 (*Size group table*), § 336.5 (*General prices; minimum prices, via rail transportation*) and § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District 16 for All Shipments, be, and the same hereby are amended as follows: The description of Size Group 12 shown in § 336.4 is changed from "Slack  $1\frac{1}{8} \times 0$ " "Slack  $\frac{3}{4} \times 0$ ;" and, as shown in §§ 336.5 and 336.21 is changed from " $1\frac{1}{8} \times 0$ " to " $\frac{3}{4} \times 0$ ."

Dated: September 6, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-6761; Filed September 9, 1941;  
10:22 a. m.]

#### TITLE 41—PUBLIC CONTRACTS

#### CHAPTER II—DIVISION OF PUBLIC CONTRACTS

#### PART 202—MINIMUM WAGE DETERMINA- TIONS

#### IN THE MATTER OF AN AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINI- MUM WAGES IN THE TAG INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On July 12, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (6 F.R. 3614) why the decision dated October 19, 1938 (3 F.R. 2539) in the Matter of the Determination of the Prevailing Minimum Wages in the Tag Industry, should not be amended by increasing the prevailing minimum wage as determined therein from 33 cents to 40 cents per hour.

The proposed amendment was based upon the belief, supported by a showing

of the interstate character of the industry, that the prevailing minimum wage in the industry had increased to 40 cents per hour by reason of the establishment of 40 cents per hour as the minimum wage required to be paid by tag manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 (Wage Order of the Administrator, Wage and Hour Division, U. S. Department of Labor, establishing minimum wage rates in the Converted Paper Products Industry, signed May 29, 1941, effective June 30, 1941, 6 F.R. 2744).

The notice of opportunity to show cause was sent to all known members of the industry, trade unions, trade publications, and to trade associations. Notice was given to other interested parties by publication in the FEDERAL REGISTER (6 F.R. 3614). No objections to the proposed amendment were filed. One response to the notice was received from a member of the industry expressing approval of the amendment.

Upon consideration of the foregoing and all of the facts and circumstances, I hereby determine:

§ 202.22 *Tag industry.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of tags, shall be 40 cents an hour or \$16.00 per week of forty hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wage hereby established shall apply to all such contracts for which contracting agencies of the United States have initiated negotiations or solicited bids, as the case may be, on and after September 23, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: September 8, 1941.

FRANCES PERKINS,  
Secretary.

[F. R. Doc. 41-6750; Filed, September 8, 1941;  
12:09 p. m.]

#### Notices

#### WAR DEPARTMENT.

[AG 325 (8-25-41) MT-C]

INDUCTION OF THE 122ND OBSERVATION SQUADRON, LOUISIANA NATIONAL GUARD, EFFECTIVE OCTOBER 1, 1941

1. Pursuant to and in compliance with the provisions of Executive Order Number 8756, May 17, 1941, amending Executive Order Number 8633, January 14, 1941, ordering certain units and mem-

6 F.R. 2474.



bers of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, October 1, 1941, is hereby announced as the effective date of induction for the following organization:

Unit	State
122d Observation Squadron	Louisiana.

2. Separate instructions will be transmitted for the troop movements to be made following induction.

3. The Governor and the Adjutant General of Louisiana are being furnished copies of this letter. (Sec. 111, 39 Stat. 211, Sec. 49, 41 Stat. 784; 32 U.S.C. 81)

Dated: September 4, 1941.

[SEAL] E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-6752; Filed, September 9, 1941;  
10:16 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 1732-FD]

#### IN THE MATTER OF OWL COAL COMPANY, DEFENDANT

#### ORDER GRANTING LEAVE TO AMEND COMPLAINT

The Bituminous Coal Producers' Board for District No. 11, complainant herein, having filed its written motion, dated August 25, 1941, for leave to amend its complaint dated May 6, 1941, by substituting in lieu of counts 1 and 2 of said complaint new counts 1, 2, 3 and 4, as set forth in said motion; and

A true copy of said motion having been served upon the defendant herein on the 25th day of August 1941; and

No objection to the granting of said motion having been filed herein by the defendant or any other person; and

It appearing to the Director desirable to allow said motion;

It is therefore ordered, That leave be and the same is hereby granted to the complainant herein to amend its complaint, dated May 6, 1941, by substituting in lieu of counts 1 and 2 of such complaint, the following:

1. That since October 1, 1940, the Owl Coal Company has violated the Bituminous Coal Code by selling and delivering coal produced from its McCammon Mine, Mine Index No. 1133, at prices below the effective minimum prices established therefor.

2. That during the period March 1, 1941 to March 4, 1941, inclusive, the Owl Coal Company sold to various purchasers, including Walter Scott, Jessie Mason, Teal Whatker, Harold Walter, Levi Gambill and Chester Dodgers, 21,200 pounds of coal produced from its McCammon Mine at \$1.80 per ton; that said coals were prepared over a bar screen of such dimensions that the prepared coals were of such size or sizes as are included in Size Group No. 6; that the effective minimum prices for coals included in Size Group No. 6, produced from the McCam-

mon Mine of the Owl Coal Company is \$2.20 per ton; that, therefore, said 21,200 pounds of coal were sold and delivered by the Owl Coal Company in violation of the effective minimum price applicable thereto.

3. That during the period March 20, 1941 to March 31, 1941, inclusive, the Owl Coal Company sold to various purchasers 49,500 pounds of coal produced from its McCammon Mine at \$1.80 per ton; that said coals were prepared over a bar screen of such dimensions that the prepared coals were of such size or sizes as are included in Size Group No. 6; that the effective minimum prices for coals included in Size Group No. 6 produced from the McCammon Mine of the Owl Coal Company is \$2.20 per ton; that, therefore, said 49,500 pounds of coal were sold and delivered by the Owl Coal Company in violation of the effective minimum price applicable thereto.

4. That the foregoing statement of facts shows that the Owl Coal Company has violated the Bituminous Coal Code and effective minimum prices established thereunder.

Dated: September 8, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-6755; Filed, September 9, 1941;  
10:20 a. m.]

[Docket No. 1814-FD]

#### IN THE MATTER OF DAVIS & DAVIS, DE- FENDANT

#### ORDER GRANTING LEAVE TO AMEND COMPLAINT

Bituminous Coal Producers' Board for District 11 having heretofore filed an original complaint dated June 28, 1941, in the above entitled matter; and

Said Board having filed a motion dated August 25, 1941, for leave to amend its said complaint;

Now, therefore, it is ordered, That the said motion dated August 25, 1941, for leave to amend the original complaint dated June 28, 1941, by substituting "October 1, 1940," in lieu of "October 1, 1941," appearing in the first sentence of Paragraph No. 1 thereof, be and the same is hereby granted.

Dated: September 8, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-6756; Filed, September 9, 1941;  
10:20 a. m.]

[Docket No. A-459]

#### PETITION OF THE BEECH GROVE COAL COM- PANY, A PRODUCER IN DISTRICT NO. 4, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF RAIL COAL

#### ORDER OF THE DIRECTOR DENYING PERMA- NENT RELIEF

A petition having been filed with the Bituminous Coal Division by Beech Grove Coal Company, a code member producer in District 4, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, requesting a reduction of 15 cents per ton in the minimum prices for all coals for rail shipment produced at the Beech Grove Mine (Mine Index No. 11) of the Beech Grove Coal Company.

Pursuant to an Order of the Director, a public hearing having been held in this matter before a duly designated examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Temporary relief pending final disposition of the original petition having been denied by Order of the Director, dated January 28, 1941; the preparation and filing of a report by the examiner having been waived and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayer for relief in the original petition of the Beech Grove Coal Company herein be and the same hereby is denied.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-6757; Filed, September 9, 1941;  
10:20 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Marketing Service.

#### DELEGATION OF AUTHORITY TO INSTITUTE DISCIPLINARY PROCEEDINGS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Pursuant to the provisions of § 47.6 of the Rules of Practice under the Perishable Agricultural Commodities Act (6 F.R. 3501, 3502), the authority to file formal complaints and other moving papers in disciplinary proceedings under the Perishable Agricultural Commodities Act is hereby delegated to the Officer in Charge of the Regulatory Section of the Fruit and Vegetable Division of the Agricultural Marketing Service, or, in his absence, to the Officer Acting in Charge of said Section.

Done at Washington, D. C., this 4th day of September, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. W. KITCHEN,  
Chief.

[F. R. Doc. 41-6765; Filed, September 9, 1941;  
11:10 a. m.]

### Rural Electrification Administration.

[Administrative Order No. 626]

#### ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the



Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Alabama 2020C2 Baldwin.....	\$30,000
Colorado 2016C1 Jefferson.....	39,000
Georgia 2068E1 Grady.....	67,000
Iowa 2014C1 Humboldt.....	99,000
Iowa 2038D1 Pocahontas.....	95,000
Kansas 2032C2 Reno.....	60,000
Louisiana 2007B2 Grant.....	36,000
Michigan 2045G3 Cass.....	125,000
Mississippi 2028F2 Hancock.....	15,000
Mississippi 2029H1 Oktibbeha.....	35,000
Oklahoma 2015F1 Tillman.....	25,000
Oklahoma 2019C1 Craig.....	218,000
Oregon 2014C2 Umatilla.....	15,000
South Carolina 2035B1 Abbeville.....	60,000
Tennessee 2037A2 Hawkins.....	12,000
Texas 2055C2 Floyd.....	152,000
Wisconsin 2041D1 Vernon.....	65,000
Wisconsin 2048C1 Waupaca.....	47,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 41-6762; Filed, September 9, 1941;  
11:10 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-396]

### IN THE MATTER OF KEYES FIBRE COMPANY

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1941.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on September 19, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be ad-

mitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 18, 1941.

The matter concerned herewith is in regard to (a) The application of Keyes Fibre Company, a subsidiary of New England Public Service Company, a registered holding company, to issue and sell \$1,400,000 principal amount of First Mortgage Sinking Fund 4½% Bonds dated October 1, 1941, due October 1, 1956, to redeem and retire the entire amount of outstanding First Mortgage 6% Bonds (\$1,125,000 principal amount), to pay \$100,000 of bank loans, to pay approximately \$72,000 of notes of a subsidiary company, Waterville Pulpwood Company, endorsed by Applicant, and to provide additional capital. Applicant states that section 6 (b), third sentence (last clause thereof) is applicable.

(b) The application for exemption from Rule U-50 entitled Requirement of Public Invitation of Proposals for the Purchase or Underwriting of Securities. By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-6766; Filed, September 9, 1941;  
11:33 a. m.]

[File No. 1-563]

### IN THE MATTER OF CHARLES A. KAUFMAN COMPANY, LTD., COMMON CAPITAL STOCK, PAR VALUE \$50

#### ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of September, A. D. 1941.

The Charles A. Kaufman Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Capital Stock, Par Value \$50, from listing and registration on the New Orleans Stock Exchange; and

The Commission having ordered that a hearing be held in this matter on September 15, 1941 in Atlanta, Georgia; and

The applicant having requested a postponement of said hearing;

*It is ordered,* That said hearing be postponed until 2 p. m. on Friday, October 3, 1941, at the office of the Securities and Exchange Commission, Palmer Building, Forsyth & Marietta Streets, Atlanta, Georgia, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine and that general notice thereof be given; and

*It is further ordered,* That William A. McClain, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed rel-

evant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-6767; Filed, September 9, 1941;  
11:33 a. m.]

[File No. 70-395]

### IN THE MATTER OF CAMBRIDGE ELECTRIC LIGHT COMPANY

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1941.

Notice is Hereby Given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is Further Given that any interested person may, not later than September 25, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Cambridge Electric Light Company, a subsidiary of New England Gas and Electric Association, a registered holding company, proposes to borrow from the First National Bank of Boston an aggregate sum not exceeding \$500,000 in such amounts and at such times as funds are required for the payment of bills incurred in connection with budgeted construction for the period from January 1, 1941 to June 30, 1942. Such advances will be evidenced by notes payable to bear interest at a rate not exceeding 2½% per annum. All notes will be dated as issued but in any event prior to June 30, 1942 and will mature not before June 30, 1944, nor after June 30, 1946.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-6768; Filed, September 9, 1941;  
11:33 a. m.]



[File No. 70-394]

IN THE MATTER OF AMERICAN UTILITIES  
SERVICE CORPORATION AND MINNESOTA  
UTILITIES COMPANY

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested party may, not later than September 23, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of this interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Minnesota Utilities Company, a subsidiary of American Utilities Service Corporation, a registered holding company, proposes to sell the electric utility property comprising its Twin Valley and Wheaton districts in western Minnesota to Otter Tail Power Company, for the sum of \$520,000 in cash. Minnesota Utilities Company also proposes to sell the materials and supplies, merchandise appliances and accounts receivable with respect to such properties of its Twin Valley and Wheaton districts to Otter Tail Power Company; it is estimated that the sale of such current assets and the release of cash working capital employed in the operations of such Twin Valley and Wheaton districts will make available to Minnesota Utilities Company, after payment of current liabilities with respect to the properties in such Twin Valley and Wheaton districts, a net cash balance of approximately \$80,000. The electric utility properties of the Twin Valley and Wheaton districts of Minnesota Utilities Company proposed to be sold, consist of the electric generating, transmission and distribution facilities in, about or between the following cities, villages and communities in the State of Minnesota: *Twin Valley District*, Bejou, Polk County; Fertile, Polk County; Gary, Norman County; Hitterdal, Clay County; Mahnomen, Mah-

nomen County; Twin Valley, Norman County; Ulen, Clay County; Winger, Polk County. *Wheaton District*, Bellingham, Lac qui Parle County; Carlos, Douglas County; Holloway, Swift County; Louisburg, Lac qui Parle County; Milan, Chippewa County; Milona, Douglas County; Nashua, Wilkin County; Parkers Prairie, Otter Tail County; Tintah, Traverse County; Wheaton, Traverse County.

It is stated that the aforesaid \$520,000 to be received by Minnesota Utilities Company from Otter Tail Power Company together with \$30,000 of the proceeds from the sale of current assets, or an aggregate of \$550,000 will be employed by Minnesota Utilities Company in making payment on account of its note indebtedness to American Utilities Service Corporation and that the remaining \$50,000 obtained from the sale of such properties to Otter Tail Power Company will be used as working capital, for construction purposes or for additional payments on the note indebtedness of Minnesota Utilities Company.

American Utilities Service Corporation proposes, upon receipt of the aforesaid \$550,000 from Minnesota Utilities Company, to deposit such funds with the trustee under the indenture securing the Collateral Trust 6% Bonds, Series A, of American Utilities Service Corporation, as release moneys, and to use such amount for the purchase of not to exceed \$400,000 principal amount of such Collateral Trust 6% Bonds, Series A, and the remainder of \$150,000, for the purchase of notes of The Bluefield Telephone Company and Northwestern Illinois Utilities, subsidiaries of American Utilities Service Corporation. (See In the Matter of American Utilities Service Corporation, Bluefield Telephone Company, Northwestern Illinois Utilities Company, Order issued September 6, 1941, File No. 70-375). The Collateral Trust 6% Bonds, Series A, of American Utilities Service Corporation, proposed to be acquired by it, are to be purchased by advertisement or tender, at prices not to exceed the redemption price of such bonds with reservation of the right to reject any and all tenders.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.[F. R. Doc. 41-6769; Filed, September 9, 1941;  
11:34 a. m.]

[File No. 70-375]

IN THE MATTER OF AMERICAN UTILITIES  
SERVICE CORPORATION, THE BLUEFIELD  
TELEPHONE COMPANY, AND NORTHWEST-  
ERN ILLINOIS UTILITIESORDER GRANTING APPLICATIONS AND PER-  
MITTING DECLARATION TO BECOME EFFEC-  
TIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of September, A. D. 1941,

The Bluefield Telephone Company, a subsidiary of American Utilities Service Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the proposed issuance and sale on or before December 31, 1943, of \$250,000 principal amount, of 10 year, unsecured 4% promissory notes to American Utilities Service Corporation, at the principal amount thereof plus accrued interest; and it appearing that the proceeds from such issuance and sale are to be used to reimburse The Bluefield Telephone Company's treasury for capital expenditures heretofore made, or for additions, extensions and betterments to its property; and

The Bluefield Telephone Company having filed an application pursuant to said Act, particularly section 6 (b) thereof, regarding the proposed issuance and sale of 3,178 shares of \$100 par value common stock, to American Utilities Service Corporation for \$317,800, the proceeds of which are to be employed to redeem 3,178 shares of 6%, \$100 par value, preferred stock of The Bluefield Telephone Company, all of which preferred stock is presently owned by American Utilities Service Corporation; and

Northwestern Illinois Utilities, a subsidiary of American Utilities Service Corporation, having filed a declaration pursuant to said Act, particularly section 7 thereof, regarding the proposed issuance and sale of \$150,000 principal amount of 4% unsecured promissory notes to mature in twelve months or less to American Utilities Service Corporation for the principal amount thereof plus accrued interest; and it appearing that the proceeds from such issuance and sale are to be used by Northwestern Illinois Utilities for additions, extensions and betterments to its telephone and electric properties; and

American Utilities Service Corporation having filed an application and amendments thereto, pursuant to said Act, particularly section 10 thereof, regarding the proposed acquisition of the aforementioned notes and common stock of The Bluefield Telephone Company and the aforementioned notes of Northwestern Illinois Utilities; and American Utilities Service Corporation having filed an application under said Act, particularly section 12 (d) thereof with respect to the pledge of such securities to be acquired, with Continental Illinois National Bank and Trust Company of Chicago, as Trustee, under the indenture securing the Collateral Trust, 6% Bonds, Series A, of American Utilities Service Corporation; and

Said applications and declaration having been filed on August 8, 1941 and amendments thereto having been filed on September 2, 1941 and September 3, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act and the Commission not having received a



request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The aforementioned parties having requested that the effective date of said filing be at the earliest possible time; and

The Commission finding, with respect to said applications under section 6 (b) of said Act, that the requirements in section 6 (b) are satisfied; and with respect to said declaration under section 7 of said Act that the requirements of section 7 are satisfied; and with respect to said applications under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1), and that the aforementioned proposed acquisition from Northwestern Illinois Utilities has the tendency required by section 10 (c) (2) of said Act; and with respect to application under section 12 (d) of said Act that the requirements of section 12 (d) are satisfied.

*It is hereby ordered,* Pursuant to Rule U-23 under said Act and the applicable

provisions of said Act and subject to the terms and conditions prescribed under Rule U-24, that the aforesaid applications shall be and hereby are granted forthwith and the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-6770; Filed, September 9, 1941;  
11:34 a. m.]

[File No. 1-15]

IN THE MATTER OF HAMILTON MANUFACTURING COMPANY, CLASS "A" PREFERENTIAL PARTICIPATING STOCK, \$10 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of September, A. D. 1941.

The Hamilton Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Class "A" Preferential Participating Stock, \$10 Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing hearing been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on September 18, 1941.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-6771; Filed, September 9, 1941;  
11:34 a. m.]